

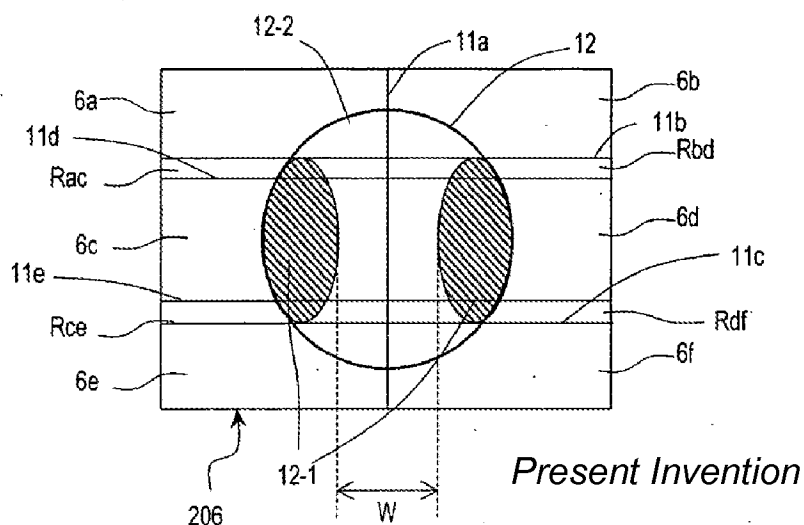
REMARKS

Claims 7-27 are pending in the application. Claims 7 and 22 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. CLAIM AMENDMENTS

Claims 7 and 22:

FIG. 13



Claims 7 and 22 have been further amended herein to emphasize that “the light receiving area receives center sections of the first type of reflected rays”. As recited in claims 7 and 22, the first type of reflected rays are where zero-order and first-order components of the light diffracted by the track are superposed one upon the other (e.g., hatched areas 12-1 shown in Fig. 13 of the application, reproduced herein). As is illustrated in Fig. 13, the light receiving area 12 receives the center sections of the first type of reflected rays (see, e.g., the center sections of the cross-hatched areas 12-1). Support for such amendment is found, for example, at page 35, line 16 to page 36, line 10 of the present application.

II. REJECTION OF CLAIMS 7 AND 22 UNDER 35 USC §112, 2nd ¶

The Examiner initially rejects claims 7 and 22 on the basis that the limitation “wherein as measured in a first direction in which the first type of reflected rays are arranged, the light receiving area has a size that is equal to or greater than the diameter of the luminous flux of reflected rays” is unclear. The Examiner indicates that it is unclear how a light receiving area has a size greater than the diameter of the luminous flux where a diameter could be in any direction.

Referring to Fig. 13 of the present application, the first type of reflected rays are represented by the cross-hatched areas 12-1. As is noted, the cross-hatched areas 12-1 are arranged in a horizontal direction. As is shown in Fig. 13, light receiving areas 6c and 6d are, in the horizontal direction shown in Fig. 13, greater in size than the diameter of the luminous flux of the reflected rays as represented by area 12-2. Thus, in the direction in which the cross-hatched areas 12-1 are arranged, the light receiving area 6c,6d has a size which is equal to or greater than the diameter 12-2 of the luminous flux of the reflected rays.

Applicant respectfully submits that claims 7 and 22 thereby define the particular direction of interest and the relative dimensions associated therewith. Withdrawal of the rejection is respectfully requested.

III. REJECTION OF CLAIMS 7-27 UNDER 35 USC §102(e)/§103(a)

Claims 7, 11, 16, 17, 20 and 22-27 remain rejected under 35 USC §102(e) based on *Nagata et al.* Remaining claims 8-10, 12-15, 18, 19 and 21 again stand rejected under 35 U.S.C. §103(a) based on *Nagata et al.* in view of one or more secondary references. Applicant respectfully requests withdrawal of these rejections for at least the following reasons.

Claims 7 and 22:

Fig.6

FIG. 1 is a schematic diagram of a square grid 8. The grid is divided into nine regions 8a through 8i by two vertical lines 9a and 9b, and two horizontal lines 9c and 9d. A central circle 13 is divided into two shaded regions 13a and 13b by a vertical dashed line 9a. The grid is also divided by horizontal lines 9b and 9c.

Accordingly, the light receiving areas in *Nagata et al.* cannot receive the center sections of the first type of reflected rays since the light-shielding regions 8i block the center sections of the first type of reflected rays. Nor does *Nagata et al.* teach the desirability or advantages of the arrangement as recited in amended claims 7 and 22.

Applicant therefore respectfully submits that *Nagata et al.* does not teach or suggest each and every feature of claims 7 and 22. Applicant respectfully requests withdrawal of the rejection of claims 7, 22, and the claims dependent therefrom.

Regarding claims 16 and 23, it is recited that “as measured in a direction in which the first type of reflected rays are arranged, the *non-light*-receiving area is narrower than

a shortest distance between the first type of reflected rays". The Examiner continues to refer to Fig. 12 of Nagata et al. as teaching such feature.

Applicant respectfully submits that the Examiner's basis for the rejection is misplaced. On page 18 of the Office Action, the Examiner refers to the non-light-receiving area as being satisfied by elements 108c', 108d'. However, regions 108c' and 108d' in *Nagata et al.* are light receiving areas. The elements 108c', 108d' do not represent non-light receiving areas as recited in claims 16 and 23. (See, e.g., Col. 9, lns. 35-38).

Consequently, applicant again submits that *Nagata et al.* does not teach or suggest the invention of claims 16 and 23. Applicant reiterates the distinctions set forth by the applicant in the previously filed response. Withdrawal of the rejection of claims 16, 23 and the claims dependent therefrom is respectfully requested.

IV. CONCLUSION

Accordingly, all claims 7-27 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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/Mark D. Saralino/

Application No.: 10/533,628

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